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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,818	03/21/2000	Christopher R Hammond	13DV13576	7281

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EXAMINER

JARRETT, RYAN A

ART UNIT	PAPER NUMBER
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2125

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DATE MAILED: 05/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/531,818	Applicant(s) HAMMOND ET AL.	
	Examiner Ryan A. Jarrett	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments have been fully considered, however, they are not persuasive. Applicant asserts that Sebastian does not teach providing a request for a recommended process sequence of steps for performing a process over a network, and conveying a response over the network that includes the recommended process sequence of steps for performing the process. Applicant admits that Sebastian teaches "an input device coupled to the processor receiving a request to design the part, the request including one or more predetermined functions that the part performs." Applicant has attempted to make a distinction between Sebastian's "request to design the part" and the Applicant's "request for a recommended process sequence of steps for performing a process." However, it is clear throughout the Sebastian reference that the "part design request" produces a recommended process sequence of steps for performing a process, among other things. Referring to col. 5 lines 9-26, Sebastian will "produce, concurrently, detailed part geometry, as well as preliminary tool design and **processing recommendations**."

Applicant additionally maintains that the process step requests and responses are not distributed over a network. Referring to col. 5 lines 33-55, it is clear that this information is distributed to various designers. And in col. 11 lines 1-20, it is clear that a network is being used to accept requests and output design information. There are several other passages in Sebastian that illustrate these features of the claimed invention (e.g., to name just a few, col. 1 lines 22-36, col.

7 lines 26-45, col. 9 lines 20-45, col. 9 line 66 – col. 10 line 21, col. 16 line 65 – col. 17 line 9, claims 1-2).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10, 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sebastian U.S. Patent No. 5,552,995. Referring to Claims 1 and 10, Sebastian discloses a method for distributing information concerning recommended steps for performing a process (col. 17 lines 51-55), comprising:

providing a computer network for communicating digital data between at least two locations (col. 11 lines 3-5);

first conveying, using said computer network, a request for a recommended process sequence of steps for performing a process, said request originating at a first location and directed to a second location (col. 11 lines 3-5);

processing, at said second location, said request to produce said recommended process sequence of steps for performing said process (col. 11 lines 15-27); and

second conveying, in response to said request and using said computer network, a response that includes said recommended process sequence of steps

for performing said process, said response originating at said second location and directed to said first location (col. 11 lines 5-14).

Referring to Claim 2, Sebastian discloses the method as claimed in Claim 1, wherein: said processing includes using a decision tree for use in determining said recommended process sequence of steps (Fig. 8, col. 20 lines 52-53).

Referring to Claim 3, Sebastian discloses the method as claimed in Claim 2, wherein: said decision tree includes a decision node that, based upon a decision, is used determine if a first sequence of steps or a second sequence of steps is part of said recommended process sequence of steps (col. 9 lines 20-38, col. 20 lines 52-53).

Referring to Claim 4, Sebastian discloses the method as claimed in Claim 1, wherein: said processing includes using a notes tree for providing error proofing directions for said recommended process sequence of steps in said response (col. 22 lines 41-52).

Referring to Claim 5, Sebastian discloses the method as claimed in Claim 1, wherein: said processing includes using a notes tree for providing best practices directions for said recommended process sequence of steps in said response (col. 22 lines 41-52).

Referring to Claim 6, Sebastian discloses the method as claimed in Claim 1, wherein: said processing includes using a tree structure that is in the form a spreadsheet (col. 18 lines 22-30).

Referring to Claim 7, Sebastian discloses the method as claimed in Claim 1, wherein: said processing includes calculating a value associated with a step of said recommended process sequence of steps (col.11 lines 33-49).

Referring to Claim 8, Sebastian discloses the method as claimed in Claim 7, wherein: said calculating includes using a data file (col. 11 lines 28-32).

Referring to Claim 9, Sebastian discloses the method as claimed in Claim 7, wherein: said calculating includes using a data file that is in the form of a spreadsheet (col. 18 lines 22-30).

Referring to Claim 13, Sebastian discloses the method as claimed in Claim 10, wherein: said first conveying includes conveying said request in the form of a spreadsheet (col. 18 lines 22-30).

Referring to Claim 14, Sebastian discloses the method as claimed in Claim 10, wherein: said second conveying includes conveying said response in the form of a spreadsheet (col. 18 lines 22-30).

Referring to Claim 15, Sebastian discloses the method as claimed in Claim 10, wherein: said second conveying includes conveying said recommended process sequence of steps in the form of a spreadsheet (col. 18 lines 22-30).

Referring to Claim 16, Sebastian discloses a method for providing information concerning recommended steps for performing a process, comprising the steps of (col. 17 lines 51-55):

providing, in a computer memory, a decision tree having at least two possible sequences of steps for performing a process (col. 11 lines 28-32, col. 9 lines 20-38, col. 20 lines 52-53);

receiving a request, originating from a computer input device, for a recommended process sequence of steps for performing said process, said request including information for use in determining a recommended process sequence of steps from said at least two possible sequences in said decision tree (col. 11 lines 3-5);

using, in a digital computer, said request and said decision tree to determine a recommended process sequence of steps for performing said process of a product (col. 9 lines 20-38, col. 11 lines 11-27, col. 16 lines 65-67, and col. 17 lines 1-9); and

transmitting said recommended process sequence of steps towards a computer output device (col. 11 lines 5-14).

Referring to Claim 17, Sebastian discloses the method as claimed in Claim 16, further comprising: permitting an expert to modify said decision tree (col. 13 lines 45-46, and col. 22 lines 58-60).

Referring to Claim 18, Sebastian discloses the method as claimed in Claim 16, further comprising: receiving said decision tree from a remote location relative to said digital computer (col. 5 lines 39-43, col. 11 lines 15-21).

Referring to Claim 19, Sebastian discloses the method as claimed in Claim 16, wherein: said step of receiving includes conveying said request over a computer network (col. 11 lines 3-5).

Referring to Claim 20, Sebastian discloses the method as claimed in Claim 16, wherein: said step of transmitting includes conveying said recommended process sequence of steps over a computer network (col. 11 lines 15-21).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sebastian in view of Official Notice. Sebastian discloses the method as claimed in Claim 10, but does not specify whether or not the network includes the World Wide Web and does not specify if the network is provided using a local area network or a wide area network. But it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the World Wide Web in the network of Sebastian because it is commonly used in network configurations and it would have been obvious to use either a

local area network or a wide area network because they are commonly used network configurations.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (703) 308-4739. The examiner can normally be reached on 9:30-6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703) 308-0538. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

raj
April 26, 2003

A handwritten signature in black ink, appearing to read 'L. Picard', written diagonally across the page.

**LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**